

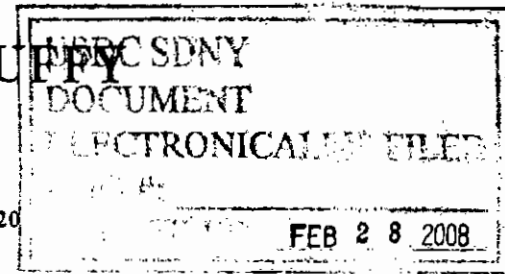
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February 27, 2008

Hon. Laura Taylor Swain  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 755  
New York, New York 10007

**MEMORANDUM ENDORSED**

The ECF system provides notice of the entry of this Order to each party that has both entered an appearance in this case and registered with ECF. The ECF-registered attorneys are responsible for providing notice to any co-counsel whose e-mail addresses are not reflected on the ECF docket for this case, and Plaintiff's counsel, upon receiving notice of this Order, is hereby ordered to fax or otherwise deliver promptly a copy to all parties who are not represented by ECF-registered counsel. A certificate of such further service shall be filed within 5 days from the date hereof. Counsel who have not registered for ECF are ordered to register immediately as filing users in accordance with the Procedures for Electronic Case Filing.

Re: Eastwind Maritime, Inc. v. Tethys Trading  
No. 09 Civ. 534 (LTS)

Dear Judge Swain:

08  
Eastwind Maritime Inc. v Sarl Star Fruits 07 Civ. 11195 (LTS)

The undersigned represents the plaintiff, Eastwind Maritime, Inc., in connection with the captioned civil matter. I also represent the plaintiff, Eastwind Maritime, Inc. in a related case entitled Eastwind Maritime, Inc. v. Sarl Star Fruits Import-Export, No. 07 Civ. 11195 (LTS).

The captioned matter has been scheduled for an Initial Pre-Trial Conference to be held on March 7, 2008. Consistent with the Initial Conference Order, a Preliminary Pre-Trial Statement is to be provided by this Friday, February 29, 2007.

The undersigned respectfully requests that these dates be adjourned *sine die*. No previous requests for an adjournment have been presented and the defendant, Tethys Trading, has not yet entered an appearance in this matter.

To more fully explain the basis of my request, I advise the Court that this action sets forth a maritime claim and the plaintiff initiated this action for the specific purpose of obtaining Process of Maritime Attachment against the property of Tethys Trading as security for the plaintiff's maritime claim. Indeed, the related case entitled Eastwind Maritime, Inc. v. Sarl Star Fruits Import-Export, No. 07 Civ. 11195 (LTS) was initiated for the same purpose.

The Court did issue a Process of Maritime Attachment in both cases. We had the Process of Maritime Attachment served on several garnishee banks in New York, and a number of EFT payments being made by Sarl Star Fruits to Tethys have been restrained. We have provided

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notice of the attachments to both Tethys Trading and Sarl Star Fruits, and I have provided notice of the upcoming conference to Tethys Trading.

Neither Tethys Trading nor Sarl Star Fruits have formally responded to the pleadings by way of an appearance or a challenge to the attachments. They have, however, been in negotiations with my client, Eastwind Maritime, Inc. The purpose of those negotiations is to resolve some of the smaller components of the claims and, furthermore, to establish an escrow account that will act as security for the principal claim asserted by Eastwind Maritime, Inc. whereby the instant action and the related action against Sarl Star Fruits will be dismissed.

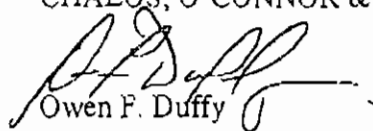
Although the undersigned has not been in direct communication with either Tethys or Sarl Star Fruits, I have been drafting the settlement agreements and the escrow agreements. What I anticipate will happen is that Eastwind, Tethys and Sarl Star Fruits are going to sign off on an agreement whereby they agree that both of the cases pending before this Court will be dismissed with an order directing the garnishees, who are holding the funds under restraint pursuant to the Processes of Attachment, to disburse the funds under attachment to my firm's IOLA account. The funds will be released to my IOLA account so that I can then disburse some of the funds to the several parties, but retain the major portion of the funds in a separate escrow pursuant to a formal escrow agreement. I fully expect that the arrangements and details for all of this will be accomplished during the next week or so and, therefore, there will be no reason for an Initial Pre-Trial Conference. If for some reason, things do not work out as anticipated, then I will immediately advise the Court and request that the Initial Pre-Trial Conference be rescheduled.

To conclude for now, I ask the Court to consider my request for an adjournment and I thank the Court for its attention to this matter.

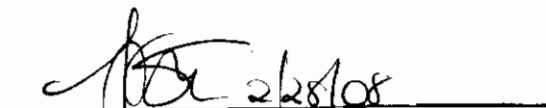
The pretrial conference date for  
Tethys Trading (08 Civ 534) and  
Sarl Star Fruits (07 Civ 11145)  
is adjourned to May 9, 2008  
at 9:45AM and the related  
submission requirements are modified  
accordingly.

Respectfully submitted,

CHALOS, O'CONNOR & DUFFY, LLP

  
Owen F. Duffy

SO ORDERED.

  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE